

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2014 FEB -7 A 10:33

WILLIAM CLAYTON COX AND ANGIE
S. COX,

Plaintiffs,

vs.

BEN A. PICKLESIMER, DARWIN H.
BINGHAM, MARK MIDDLEMASS, JOHN
G. STUMPF, BNC MORTGAGE, and
MORTGAGE ELECTRONIC
REGISTRATION SYSTEM,

Defendants.

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:11-CV-1058
Judge Dee Benson

Before the court is the Report and Recommendation issued by United States Magistrate Judge Evelyn J. Furse on January 14, 2014, recommending that this court dismiss Plaintiffs' Complaint without Prejudice. The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. On January 30, 2014, Plaintiffs filed their "Objection to Report and Recommendation."

Having conducted a thorough review of all relevant materials, including the Plaintiffs' Objection to the Report and Recommendation, the record that was before the magistrate judge, and the reasoning set forth in the magistrate judge's Report and Recommendation, the Court agrees with the analysis and conclusion of the magistrate judge. Specifically, the Court agrees

with the magistrate judge's conclusion that the Plaintiffs never served the Complaint on Picklesimer et al, and that time has passed not once but twice for service to be proper. Further, the Court agrees with the magistrate judge's conclusion that Plaintiffs' Complaint fails to state a claim over which this Court has jurisdiction.

Accordingly, the Court ADOPTS the Report and Recommendation and issues the following Order. The Plaintiffs' Complaint is DISMISSED without prejudice.

DATED this 5th day of February, 2014.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the 'e'. The last name "Benson" is written in a more standard cursive script.

Dee Benson
United States District Judge